



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

June 17, 2004

Mr. Zachary Crouch
Davis, Bowen & Friedel
23 North Walnut Street
P.O. Box 809
Milford, De 19963

RE: PLUS review – PLUS #2004-05-04 – Stonington

Dear Mr. Crouch:

Thank you for meeting with State agency planners on May 27, 2004 to discuss the proposed plans for the Stonington project to be located west of the intersection of Messina Hill Road and Lynnbury Woods Road, near the Town of Cheswold.

According to the information received, you are seeking a rezoning from IG to RI for the purpose of developing 389 residential units on 143.1 acres. In addition we note that this property has recently been annexed into the Town of Cheswold.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This property has recently been annexed into the Town of Cheswold, and is subject to an annexation agreement which specifies that the development follow certain criteria from the Kent County subdivision ordinance. This project is located in Investment Level 2 according to the June 3 version of the 2004 State Strategies for Policies and Spending, which has been approved by the Cabinet Committee for State Planning Issues.

Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the development of this project in accordance with the local codes and ordinances and the criteria established in the annexation agreement.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There are known archaeological sites within the development area, near the forested area, and the water. There was a structure (known as “Oakshade”) within the subject area, however that has been demolished or it is located on the neighboring property to the northwest, as the engineers said there are not any structures on the subject property. If it was demolished, there is a high probability for historic archaeological sites.

It is suggested that the developers or applicant contact the State Historic Preservation Office at 302-739-5685 to schedule a time archaeologists can visit the site to determine the locations of the archaeological sites.

There is a cemetery, associated with the Methodist Church to the northeast of the development. Be aware of the Delaware Unmarked Human Remains Act (7 Del. Code 54) and contact Faye Stocum at 302-739-5685 if any unmarked human remains are discovered. If there is any federal involvement with this project (in the form of licenses, permits, or funds), the federal agency involved must comply with Section 106 of the National Historic Preservation Act and consider the effects of the project on historic resources.

Finally, SHPO wants to make the developers and the City of Cheswold aware of the property that is listed in the National Register of Historic Places and is located west of the development, across the railroad tracks and Morton Rd. This is part of the Kenton Hundred National Register nomination that illustrates the rural context of the area. As more development comes into the area, the historic rural context, of this property and other listed properties in the area, is minimized and the listing in the National Register is jeopardized.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT offered the following comments regarding the development of this property:

A sight distance analysis will be required for both proposed entrances.

As shown on the plan, Metamorphic Rock Drive ends in a cul-de-sac on a steep slope. It is recommended that the plan be revised to stop the street short of the steep slope. Doing so would mean losing some lots.

Because the streets are to be Private, please add the word Private within each street right-of-way.

In accordance with Section 2 of DelDOT's Rules and Regulations for Subdivision Streets DelDOT will require a right-of-way dedication of 30 feet from the centerline on Lynnbury Woods Road.

DelDOT will also require a 15-foot permanent easement along the entire frontage of Lynnbury Woods Road for a bicycle and pedestrian path.

It appears that a finger of wetlands runs directly across Lots 356 through 360. It should be discussed how will drainage be handled in this portion of the development?

A traffic impact study (TIS) has been completed for this development under the name "Jahnell Property." While the TIS is still under review, it is anticipated that DelDOT will be requiring offsite improvements along Lynnbury Woods Road and possibly along Messina Hill Road, as far as the north intersection of Messina Hill Road with US Route 13 and requiring a signal agreement for that intersection. DelDOT anticipates concluding our review of the TIS in August 2004.

The developer's engineer should coordinate with the DelDOT Subdivision Manager, Mr. George Shaw, about our requirements with regard to the design of the site entrance and off-site improvements. Mr. Shaw may be reached at (302) 760-2261.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-3091**

Soils

According to the Kent County soil survey, the following soils were found in the immediate vicinity of the proposed construction and grouped on the basis of drainage class:

Well Drained – Sassafras

Poorly drained (**hydric**) – Fallsington

Very poorly drained (**hydric**) – Johnston (associated with floodplains)

Sassafras is a well-drained upland soil with few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soil that has severe limitations for development. Johnston is a very poorly-drained wetland associated (hydric) soil associated with floodplains.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of approximately 3.5 acres of Palustrine Forested Wetlands, primarily bordering Alston Branch, which drains into the Leipsic River. These wetlands, in addition to providing important water quality benefits, are home to a number of State listed rare plants.

Because there is strong evidence that federally regulated wetlands exist on site, **a wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.**

Impacts to wetlands and their buffer zones should be avoided. These wetlands and associated upland forests provide important water quality and habitat benefits. A 100' vegetated buffer should be employed from the edge of all wetlands and waterbodies. In many areas, a 100' buffer already exists on this parcel. Where a 100' buffer does not exist, one should be established using native trees and shrubs. While it is important to avoid development activities within wetland areas, the developer should also avoid including wetlands and their buffer zones within residential lot lines to avoid impacts resulting from homeowner activities. Forest and wetland areas excluded from lots should be placed into a permanent conservation easement or other binding protection mechanism.

Impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. Impacts to subaqueous lands are regulated by the DNREC Division of Water Resources, Wetlands and Subaqueous Lands Section. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

If any impacts to wetlands are proposed, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

It is also recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as "prior converted wetlands." Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous "fallow period" of five years or greater in that parcel's cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel's cropping history is Sally Griffin at the USDA – she can be reached at 678-4182.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or sub watersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Leipsic subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

Stormwater Management

Comments submitted by Kent Conservation District: Contact Jared Adkins
(302) 697-2600

Requirements: **Source:** Delaware Sediment and Stormwater Regulations

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place.
2. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to our office. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.

Comments:

1. Based on the site characteristics, a pre-application meeting with the Kent Conservation District will be required to discuss stormwater management and drainage for this site.
2. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components. The designer is encouraged to consider the conservation design approach and limit the amount of tree clearing required for the development of the site including the stormwater management facilities shown in the wooded areas.
3. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for

any basin design.

4. It appears that Metamorphic Rock Drive will cut off a ditch providing drainage for the PPG Facility. If this drainage way is piped, it must be sized to prevent flooding of offsite properties.
5. Proper drainage of developed lots and active open space should be considered in the development of the grading plan for this subdivision.
6. Access to the all proposed stormwater facilities must be provided for periodic maintenance. These accesses should be at least 12 feet wide to leading to the facility and around the facility's perimeter.
7. All drainage ways and stormdrains should be contained within drainage easements and clearly shown on the plan to be recorded by Kent County.
8. Ease of maintenance must be considered as a site design component and a maintenance set aside area for disposal of sediments removed from the basins during the course of regular maintenance must be shown on the Record Plan for the subdivision.
9. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
10. A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
11. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
12. The existing embankment ponds were constructed by the USDA Soil Conservation Service in 1965 and 1993. All pond used for stormwater management must meet the NRCS Small Pond Code 378 approved for Delaware.

Drainage

Submitted by the State Drainage Program. Contact Bob Enright, (302) 739-4411

Lots 356, 357, 358, 359, & 360 have existing drainage thru them. If these lots are filled what drainage provision is being made for the upstream landowner? The Drainage Section recommends that the above mentioned lots be used for open space. If these lots are allowed to be filled and sold, a statement should be placed on the deed that the property has filled wetlands and future drainage problems are very likely.

The Drainage Section does not have a clear understanding where the on site storm water will

be released off site. The Drainage Section does ask that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

Floodplain

Portions of this site lie within a 100-year floodplain.

Habitat and Open Space

As noted above, the wetlands and associated forested buffers of Alston Branch provide important habitat and water quality benefits. The forested buffers should be retained and where possible, expanded. These areas should be placed into a permanent conservation easement and could be utilized by the community for passive recreation such as walking trails.

Recreation

It is recommended that sidewalks be built fronting every residence. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work etc.

Due to this site's proximity to downtown Cheswold, we see the potential for future residents to conveniently access the downtown area via a bike and pedestrian pathway from the western most portion of the property along the rail road track. Approximately 150 households (in the lower portion of the property) have a single point of entry/exit and it is in the opposite direction of the town center. Without an access point, these residents will have no alternatives to leave their neighborhood except by car. We encourage that a bike and pedestrian access point be included in the design and understand that there are logistical issues concerning the rail road line. However, once in private ownership, the opportunity to connect communities is lost.

This project borders Alston Branch which is currently identified as part of the State Resource Area. State Resource Areas are comprised of lands that contain a variety of natural and cultural resources significant to the state, representing the finest examples of Delaware's diverse natural heritage. Consideration should be given to protecting these resources during design and construction of this project. Maintaining a 100 foot vegetative buffer will help protect these natural resources. We strongly encourage that the southern most cul-de-sac be moved out of the steep slope so that no filling is necessary to support it. Also, due to the steep slopes, consideration should be given to eliminate Lot 35 to minimize the disturbance to Alston Branch.

Underground Storage Tanks

There is one inactive LUST sites located near the proposed project:

No environmental Impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: Kevin McSweeney 739-3696

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly and Townhouses)
- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.

- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Messina Hill Rd and Lynnbury Woods Rd. must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded

from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

A forested buffer is required between the proposed subdivision and all adjacent properties in active agricultural use. In addition, a forest buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

The Delaware Forest Service agrees with those state agencies in attendance at this recent meeting that all lots shown on the most recent site plan located in the woods should be removed due to the presence of topography and sensitive areas.

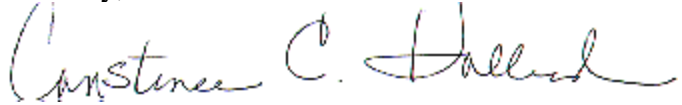
Public Service Commission - Contact: David Bonar 739-4247

This parcel is in an existing CPCN area.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name being the most prominent.

Constance C. Holland, AICP
Director

CC: Rodney Mitchell